

ARTICLE XVII

NON-CONFORMING USES AND STRUCTURES

At the discretion of the owner, the lawful use of any building, structure, lot or premises existing prior to the effective date of this Ordinance, may be continued but no such building or structure or land use shall be enlarged or extended except as provided herein.

SECTION 17.01 APPLICATION FOR EXTENSION OF NON-CONFORMING USE

The extension of any non-conforming use in any existing building or structure or any addition to or alteration of any existing building or structure for the purpose of extending such non-conforming use and the extension of a non-conforming use on a given lot, provided such lot was in common ownership and of public record as of the effective date of this Ordinance, may, be granted by the Board of Appeals following application for hearing therefore by the owner. The cost of giving notice shall be paid by the applicant. If on such hearing it shall appear that the proposed addition, alteration, or extension of such non-conforming use is contrary to the purpose of the Ordinance or injurious to the neighborhood where situated, the Board of Appeals shall deny the application. Reference Article XXI.

SECTION 17.02 CHANGES IN NON-CONFORMING USES

No non-conforming use shall be changed to any other non-conforming use and any non-conforming use changed to a conforming use shall not thereafter revert to any non-conforming use.

SECTION 17.03 DISCONTINUATION OF NON-CONFORMING USES

If the non-conforming use is discontinued for a continuous period of one (1) year, the right to resume such non-conforming use shall terminate and no use shall be made of such building or lot except in conformity with this Ordinance, provided that the Board of Appeals may hear an application for resumption of such nonconforming use if filed by the owner within ninety (90) days of the one (1) year termination. No hearing shall be held by the Board of Appeals until after notice of the time and place of such hearing and the purpose thereof has been published in a newspaper of general circulation in the Township at least eight (8) days prior to said hearing date. The Board of Appeals shall give notice by certified mail to the owners of all adjacent property within three hundred (300) feet of outer boundaries of non-conforming property.

SECTION 17.04 REPAIR OF NON-CONFORMING STRUCTURES

Nothing contained in this Ordinance shall bar or prevent the owner from making such repairs and reinforcements in any non-conforming building as may be necessary in the interest of public safety or to secure the continued advantageous use of such building, but the right to make repairs shall not constitute a right to alter, enlarge, or extend the said use.

SECTION 17.05 DESTRUCTION OF NON-CONFORMING STRUCTURES

- 1) Non-conforming Structure-In the event that any non-conforming structure shall be damaged by fire, wind, accident, act of God, or other such means or manner, to the extent that the cost of reconstruction or restorations is equal to or less than one-half (1/2) of the value of such structure prior to the damaging occurrence, as determined by the most recent assessment of the market value of land, for purpose of taxation, such reconstruction or restoration shall be permitted by right, subject to the provisions of this Ordinance. Structure damaged in excess of one-half (1/2) of the value of such structure prior to the damaging occurrence, as determined by the most recent assessment of the market value of the structure, exclusive of the market value of land, for purposes of taxation, shall only be reconstructed subject to compliance with underlying zone district standards.
- 2) Building Permit Required-The above reconstruction or restoration shall require the issuance of a building permit within one (1) year of the occurrence of such damage or the non-conforming status will terminate and the structure and materials shall be removed from the premises.
- 3) Secured Building Requirement-A damaged structure awaiting reconstruction or restoration shall be properly secured by the owner(s) to prevent trespass, vandalism, and injury to the public.

SECTION 17.06 LAWFUL NON-CONFORMING LOTS OF RECORD

Where the owner of a non-conforming lot of record does not own, and cannot reasonably acquire, sufficient additional land to meet the requirements of this Ordinance pertaining to lot area, lot width, or both, the lot of record may be used by the owner as a building site provided that all other requirements of this Ordinance are met.